

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
DEJA BARBOUR, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	07 Civ. 3014 (RPP)
-against-)	
)	
THE CITY OF WHITE PLAINS, <u>et al.</u> ,)	
)	
Defendants.)	
-----X		

DECLARATION OF MATTHEW D. BRINCKERHOFF

MATTHEW D. BRINCKERHOFF, an attorney admitted to practice in the State of New York, declares under penalty of perjury as follows:

1. I am a partner of the law firm of Emery Celli Brinckerhoff & Abady LLP (“ECBA”). I submit this declaration in support of the attorneys' fee application submitted in the above-captioned matter by plaintiffs' counsel, Scott A. Korenbaum, an attorney whom I have known and worked with for many years.
2. My firm, ECBA, specializes in civil rights and commercial litigation. In both contexts, we regularly litigate along side and against some of the best known firms and lawyers in New York. Almost all of our work is compensated either through traditional hourly fee arrangements or through fee-shifting statutes, where available.
3. Accordingly, based on my experience practicing law in New York for decades, I am fully aware of the prevailing hourly rates charged by New York City law firms and sole practitioners, such as Mr. Korenbaum, located in the Southern District of New York, who specialize in federal court civil rights litigation. Indeed, since ECBA submits Section 1988 fee requests and applications in connection with its own cases, it is incumbent upon me to be

knowledgeable about prevailing rates.

4. From both personal interactions with Mr. Korenbaum over the years and through conversations with our respective colleagues in the field of police misconduct litigation, I know that he is a formidable, highly experienced, skilled practitioner with a reputation for excellence in the New York legal community. He is a fine trial attorney and a highly successful appellate practitioner.

5. I am particularly familiar with Mr. Korenbaum's appellate record. For example, I know that Mr. Korenbaum is responsible for two significant Second Circuit civil rights' decisions of this past decade: *Tolbert v. Queens College*, 242 F.3d 58 (2d Cir. 2001), and *Zellner v. Summerlin*, 494 F.3d 344 (2d Cir. 2007).

6. More recently, Mr. Korenbaum and Michael L. Spiegel were responsible for the most significant Second Circuit decision affecting police misconduct trials in this young decade. *See Cameron v. City of New York*, 598 F.3d 50 (2d Cir. 2010).

7. Mr. Korenbaum's requested hourly rate of \$450 is entirely reasonable, and in line with the prevailing market rates for an attorney of his caliber, experience and reputation in the Southern District. Indeed, I believe it is considerably lower than the prevailing rates for attorneys of similar skill and experience. My current hourly rate, the rate paid by paying clients, is \$525/hour. I believe Mr. Korenbaum's hourly rate would be the same if it were set by the market.

8. In *Rodriguez v. Pressler & Pressler, L.L.P.*, No. CV-06-5103, 2009 WL 689056 (E.D.N.Y. Mar. 16, 2009), Judge Cogan awarded fees for my time at my 2007 hourly rate of \$450 per hour, and in the Eastern District.

9. In *Vilkhu v. City of New York*, No. 06-CV-2095, 2009 WL 1851019 (E.D.N.Y.

Jun. 26, 2009), *aff'd in part, vacated and remanded in part*, 372 Fed. Appx. 222, 2010 WL 1571616 (2d Cir. Apr. 21, 2010), also in the Eastern District, Judge Sifton awarded fees to one of my partners, Jonathan S. Abady, who, like me, graduated from law school in 1990, at the rate of \$525 per hour — which reflected the prevailing market rate in the Southern District of New York that ECBA bills for Mr. Abady's and my time as of 2009.

10. Almost three years ago, in *Wise v. Kelly*, 620 F. Supp.2d 435, 445 (S.D.N.Y. 2008), the Honorable Shira A. Scheindlin awarded fees for my time at an hourly rate of \$425 per hour, and took “judicial notice of ECBA's high reputation, finding it to be one of the most competent, successful, and reputable civil rights firms practicing in this Court.” *Id.*

11. Based upon my twenty-plus years of experience as a lawyer practicing in this field in the Southern District of New York and across the country, based on my many observations and interactions with Mr. Korenbaum over the years, and based upon my knowledge of prevailing rates for attorneys of his high caliber and outstanding reputation in this district, I fully support Mr. Korenbaum's application for fees in all respects, including the requested hourly rate of \$450.

Dated: March 6, 2011
New York, NY

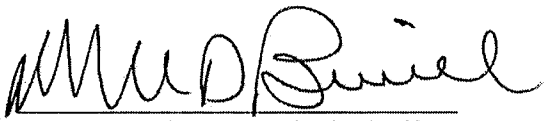

Matthew D. Brinckerhoff

Exhibit B

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 10/13/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SHRAVANTI REDDY,

Plaintiff,

-against-

THE SALVATION ARMY,

Defendant.
-----X

STIPULATION AND ORDER

06 CV 5176 (SAS) (AJP)

IT IS HEREBY STIPULATED AND AGREED that, within one week from this Order, Cindy E. Molloy, Esq. will pay Scott A. Korenbaum, Esq., in lieu of court imposed sanctions, the sum of Two Thousand Six Hundred Dollars (\$2,600.00), representing 6.5 hours of attorney time, at the reasonable hourly rate of \$400.00, for time spent preparing for and attending the settlement conference in the above-referenced matter held on September 29, 2008, as well as work performed in anticipation of the sanctions hearing scheduled for October 2, 2008.

Dated: New York, New York
October 3, 2008

SCOTT A. KORENBAUM, ESQ.
Attorney for Plaintiff
111 Broadway, Suite 1305
New York, New York 10006
(212) 587-0018

TRATNER, MOLLOY & GOODSTEIN LLP
Attorneys for Defendant
551 Fifth Avenue
New York, New York 100017
(212) 867-1100

By: Scott A. Korenbaum

Scott A. Korenbaum

By: Cindy E. Molloy

Cindy E. Molloy

SO ORDERED:

Andrew J. Peck 10/13/08
HON. ANDREW J. PECK,
U.S.M.J.

HON. ANDREW J. PECK
United States Magistrate Judge
Southern District of New York

Copy to ECF: All Counsel
Josh Scherdlin

Exhibit C

Barbour, et al. v. City of White Plains, et al.
 07 Civ. 3014 (KMK) (PED)
MAY 2010 TIME AND EXPENSE ENTRIES OF SAK

<u>Date</u>	<u>Time</u>	<u>Description</u>	<u>Charge</u>
5/3/10	.30	Draft and file Notice of Appearance.	N/C
5/10/10	.50	Letter to Judge Karas re Notice of Appearance, w/copies to counsel and M.J. Davison.	N/C

COSTS AND EXPENSES

<u>DATE</u>	<u>NATURE OF EXPENSE</u>	<u>AMOUNT</u>
5/1-31/10	Photocopying for May 2010.	N/C

Barbour, et al. v. City of White Plains, et al.
07 Civ. 3014 (KMK) (PED)

OCTOBER 2010 TIME AND EXPENSE ENTRIES OF SAK

<u>Date</u>	<u>Time</u>	<u>Description</u>	<u>Charge</u>
10-4-10	4.0	Mtg w/MLS re facts underlying action, work to be done to prepare for trial, work to be done re JPTO, as well as division of labor for trial (1.0); review DB's 50-h and deposition testimony, and begin drafting memo re issues for motions <i>in limine</i> (3.0).	N/C
10-5-10	4.0	Review SG's deposition, crim. defense atty's file, files relating to arrests/pros. of S. Barbour and J. Bryants.	N/C
10-11-10	3.0	Review trial transcripts from clients' criminal prosecution to prepare for preparation of JPTO and to assist MLS in examinations of defendant officers.	N/C
10-12-12	2.3	Continue review of trial transcripts from clients' criminal prosecution to prepare for preparation of JPTO and to assist MLS in examinations of defendant officers.	N/C
10-14-10	1.5	Review RM's 50-h testimony and begin review of RM's deposition testimony.	N/C
10-15-10	3.0	Continue review of RM's deposition testimony and crim. case file (2.0); begin drafting JPTO (1.0).	N/C
10-25-10	2.5	Revise JPTO for M. Spiegel's review, as well as e-mail to MLS re same.	N/C

COSTS AND EXPENSES

<u>DATE</u>	<u>NATURE OF EXPENSE</u>	<u>AMOUNT</u>
10/1-31/10	Photocopying for October 2010.	N/C

Barbour, et al. v. City of White Plains, et al.
07 Civ. 3014 (KMK) (PED)

NOVEMBER 2010 TIME AND EXPENSE ENTRIES OF SAK

<u>Date</u>	<u>Time</u>	<u>Description</u>	<u>Charge</u>
11-2-10	.40	Letter to court re joint pretrial order.	N/C
11-9-10	.50	Mtg w/M. Spiegel re status, as well as division of labor re joint PTO and motions <i>in limine</i> .	N/C
11-10-10	3.0	Mtg w/M. Spiegel re JPTO and legal arguments for <i>in limine</i> motions (.50); begin drafting notice of motion re <i>in limine</i> motions, incl. review of files (2.5).	N/C
11-11-10	7.0	Begin drafting M. Spiegel Declaration re motions <i>in Limine</i> , including review of files and deposition testimony.	N/C
11-12-10	5.0	Mtg w/D. Barbour re trial preparation (2.5); revise motion and MLS declaration re motions <i>in limine</i> (2.0); draft letter to Chambers re JPTO (.50).	N/C
11-16-10	2.5	Mtg w/R. Massey re trial prep (2.0), as well as mtg w/M. Spiegel re RM's testimony and her phys. condition (.50).	N/C
11-17-10	4.0	Mtg w/S. Gonzalez re trial prep (1.5); mtg w/S. Gonzalez and M. Spiegel, Esq. re review of location via Google maps and her recollection of events (1.0); mtgs w/M. Spiegel, Esq. re trial prep, including how to cross-examine P.O. Heffner, motions <i>in limine</i> and other trial tactics (1.5).	N/C

COSTS AND EXPENSES

<u>DATE</u>	<u>NATURE OF EXPENSE</u>	<u>AMOUNT</u>
11/1-30/10	Photocopying for November 2010.	N/C

Barbour, et al. v. City of White Plains, et al.
07 Civ. 3014 (KMK) (PED)

DECEMBER 2010 TIME AND EXPENSE ENTRIES OF SAK

<u>Date</u>	<u>Time</u>	<u>Description</u>	<u>Charge</u>
12-6-10	.20	Tel. call w/R. Massey re her physical condition and ability to meet and attend trial.	N/C
12-7-10	2.3	Review and analyze deposition test. of P.O. Heffner.	N/C
12-8-10	2.0	Review and analyze deposition test.. of Lt. Christopher.	N/C
12-9-10	3.8	Review and analyze deposition test. of P.O. Larrier (2.0) and P.O. Nolletti (1.8).	N/C
12-12-10	3.6	Review and analyze deposition test. of P.O. Burnett (2.0) and P.O. Farrelly (1.6).	N/C
12-21-10	2.5	Review depositions of clients re their locations during the defendants' interactions with Jamal B. and Shane B in connection with drafting of direct exams of clients.	N/C

COSTS AND EXPENSES

<u>DATE</u>	<u>NATURE OF EXPENSE</u>	<u>AMOUNT</u>
12/1-31/10	Photocopying for December 2010.	N/C

Barbour, et al. v. City of White Plains, et al.

07 Civ. 3014 (RPP) (PED)

JANUARY 2011 TIME AND EXPENSE ENTRIES OF SAK

<u>Date</u>	<u>Time</u>	<u>Description</u>	<u>Charge</u>
1-7-11	.50	Tel. call w/M. Spiegel, Esq. re fact of trial date and the work that needs to be done (.40); tel. call w/R. Massey re fact of trial, need to clear her calendar and need to meet (.10).	N/C
1-9-11	2.0	Begin drafting proposed voir dire (.80); begin drafting jury instructions (1.2).	N/C
1-10-11	.80	Mtg w/M. Spiegel, Esq. re division of labor to prepare for trial and discussion of opening statement (.40); letter to Court re scheduling matters (.40).	N/C
1-11-11	5.0	Draft jury charges, including legal research re relevant legal principles.	N/C
1-12-11	3.0	Begin drafting memo of law in support of motions <i>in limine</i> , as well as legal research re Fed. R. Evid. 403.	N/C
1-13-11	8.0	Mtgs w/M. Spiegel, Esq. to discuss jury instructions, motions <i>in limine</i> and opening statement (1.0); continue drafting memo of law re motions <i>in limine</i> , as well as legal research re business records and FRE 609 (6.0); revise M. Spiegel declaration, including converting it into an SAK declaration (1.0).	N/C
1-14-11	6.9	Finalize and serve motion papers, including last minute edits to motion, declaration and memo of law to include jury instruction issue (5.8); review of defendants' proposed jury instructions and voir dire (.60); mtg with M. Spiegel, Esq. to discuss trial strategy, including his opening statement and contradictory positions of the defendants (.50).	N/C
1-17-11	8.0	Draft letter to Judge Patterson re courtesy copies of motion papers (.20); review D. Barbour's 50-h and deposition transcripts to prepare her direct exam, and begin drafting her direct examination (6.8); mtg w/M. Spiegel, Esq. re opening statements, trial strategy re clients' testimony, and issues relating to motions <i>in limine</i> (1.0).	N/C

1-18-11	8.0	Draft direct examination for D. Barbour's testimony (4.0); tel. call w/Dr. Sassoon re R. Massey's condition, her ability to testify and moving her appointment (.20); draft letter to Court re same (not sent), as well as revise and edit M. Spiegel letter to Court re defendants' request for adjournment of trial (.70); mtg w/M. Spiegel, Esq. re trial strategy, including how best to address the arrests and convictions of J. Bryant and S. Barbour, as well as testimony and inconsistencies of defendants' testimony for inclusion in direct exams of clients (1.0); mtg w/M. Spiegel, Esq. re how to respond to defendants' request for an adjournment (.20); review and analyze R. Massey's 50-h and deposition testimony to prepare for direct examination (1.9).	N/C
1-19-11	7.8	Tel. call w/M. Spiegel, Esq. re how to deal with R. Massey's 50-h testimony (.10); tel. call w/R. Massey re trial preparation (2.0); letter to R. Massey enclosing deposition transcript for trial preparation (.20); read and analyze S. Gonzalez's deposition testimony, and mtg w/M. Spiegel, Esq. re inconsistencies amongst clients and how best to present respective clients' testimony (2.5), prepare direct examination for S. Gonzalez (3.0).	
1-20-11	6.5	Mtg w/D. Barbour and S. Gonzalez, separately and together, to prepare for trial (6.0); mtg w/M. Spiegel, Esq. re R. Massey and her availability for trial, as well as M. Spiegel's opening statement (.50).	N/C
1-21-11	6.1	Review and edit M. Spiegel's opening statmt (.50); review defendants' opposition papers re motions <i>in limine</i> , as well as prepare for arguments regarding same (2.5); attend final pretrial conference, including oral arguments and subsequent settlement negotiations (2.4); tel. calls to clients re results of conference (.30); review deposition testimony of SG to rebut defendants' representations of her test. re TOP (.30).	N/C

COSTS AND EXPENSES

<u>DATE</u>	<u>NATURE OF EXPENSE</u>	<u>AMOUNT</u>
1/1-31/11	Photocopying for January 2011.	N/C

Barbour, et al. v. City of White Plains, et al.
07 Civ. 3014 (RPP) (PED)

FEBRUARY 2011 TIME AND EXPENSE ENTRIES OF SAK

<u>Date</u>	<u>Time</u>	<u>Description</u>	<u>Charge</u>
2-23-11	2.0	Begin to prepare anew for trial, including review of DB's Deposition testimony and direct examination notes.	N/C
2-24-11	2.5	Begin to prepare anew for trial, including review of RM's deposition, 50-h testimony and direct examination notes.	N/C
2-25-11	2.5	Begin to prepare anew for trial, including review of SG's Deposition testimony, 50-h testimony and direct exam notes.	N/C

COSTS AND EXPENSES

<u>DATE</u>	<u>NATURE OF EXPENSE</u>	<u>AMOUNT</u>
2/1-28/11	Photocopying for February 2011.	N/C

Barbour, et al. v. City of White Plains, et al.

07 Civ. 3014 (RPP)

MARCH 2011 TIME AND EXPENSE ENTRIES OF SAK

<u>Date</u>	<u>Time</u>	<u>Description</u>	<u>Charge</u>
3-1-11	1.1	Tel. calls w/clients re need to meet to prepare for trial testimony, incl. call w/RM re her availability for trial given her medical condition (.40); tel. call w/Dr.Sassoon (RM's OB-GYN) re RM's medical condition (.10); review motions <i>in limine</i> in context of fine-tuning exams to make sure that clients do not open the door to evidence previously precluded by Judge Patterson (.60).	N/C
3-2-11	1.1	Review Rule 68 Offers of Judgment, as well as tel. calls calls w/MLS re same (.50); tel. calls w/each client and MLS re whether to accept/reject Offers (.60).	N/C
3-4-11	2.8	Draft SAK declaration in support of motion for attorneys' fees and costs.	N/C
3-9-11	2.8	Revise SAK declaration in support of motion for attorneys' fees and costs, review and edit MLS declaration and memo of law re same (1.6); legal research re reasonable hourly rate for SAK (1.2).	N/C
3-11-11	2.3	Edit and revise memo of law and SAK Declaration for attorneys' fees application.	N/C

COSTS AND EXPENSES

<u>DATE</u>	<u>NATURE OF EXPENSE</u>	<u>AMOUNT</u>
2/1-28/11	Photocopying for March 2011.	N/C